

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs,

C.A. NO. 1:17-cv-12239-ADB

V.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL
DEFENDANTS' OPPOSITIONS TO PLAINTIFFS' MOTIONS *IN*
LIMINE AND SUPPORTING DOCUMENTS**

Pursuant to L.R. 7.1(b)(3), Defendants ImStem Biotechnology, Inc., Xiaofang Wang, and Ren-He Xu (collectively, “Defendants”) respectfully request that the Court grant them leave to file under seal their Oppositions to Plaintiffs’ Motions *In Limine* and accompanying Declaration of Timothy R. Shannon containing exhibits related thereto. These documents are to be filed by March 30, 2020.

Counsel for Plaintiffs have indicated that they do not oppose the relief sought herein.

Under the Protective Order entered in this case, the parties may designate certain information as “Confidential” or “Highly Confidential,” which means it cannot be disclosed without a court order. (Dkt. 55 at § V.B). As such, Defendants seek to file under seal: (1) their Oppositions to Plaintiffs’ Motions *In Limine*; and (2) up to ten documents that Plaintiffs have designated under the Protective Order.

Pursuant to L.R. 7.2(a), Defendants believe the aforementioned materials can and should

be de-designated and published immediately but, for purposes of timely filing their Oppositions to Plaintiffs' Motions *In Limine*, request that they be filed now under seal. *Cf.* (Dkt. 55 at §3(b) (burden is on designating party)).

Defendants likewise request leave to file publicly a redacted version of their Oppositions to Plaintiffs' Motions *In Limine*, and related materials, redacting Confidential and Highly Confidential Information.

WHEREFORE, Defendants respectfully request the Court grant their Assented-To Motion for Leave to File Under Seal Defendants' Oppositions to Plaintiffs' Motions *In Limine* and Supporting Documents.

Dated: March 28, 2020

Respectfully submitted,

IMSTEM BIOTECHNOLOGY, INC., REN-
HE XU and XIAOFANG WANG,

By their Attorneys,

/s/ Timothy R. Shannon
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that, on March 27, 2020, counsel for Defendants conferred by email with Counsel for Plaintiffs in a good faith effort to narrow or resolve the issues raised in the instant motion. Counsel for Plaintiffs indicated they do not oppose the relief sought by the instant Motion.

Dated: March 28, 2020

/s/ Timothy Shannon
Timothy R. Shannon

CERTIFICATE OF SERVICE

I hereby certify that I caused this document to be filed through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants on the date below.

Dated: March 28, 2020

/s/ Timothy Shannon
Timothy R. Shannon